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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Technology Center 2100

Application Number: 10/057,364
Filing Date: January 24, 2002
Appellant(s): YOSHIDA, TOMOYA

Douglas Holtz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/10/2007 appealing from the Office action mailed 04/18/2007.

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(1) Real Party in Interest

A statement identifying by name the real party of interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(8) Evidence Relied Upon

- 1) US Patent #5,887,216, Motoyama, "Motoyama". Previously cited and entered.
- 2) US Patent #6,240,456, Teng et al., "Teng". Previously cited and entered.
- 3) US Patent #6,362,870, Mui et al., "Mui". Previously cited and entered.
- 4) US Patent #6,618,162, Wiklof et al., "Wiklof". Previously cited and entered.
- 5) US Publication #2005/0280864, Lodwick, "Lodwick". Previously cited and entered.
- 6) IEEE 100 : the authoritative dictionary of IEEE standards terms. -7th ed. Definition of "server", 2000. Newly cited and attached.
- 7) Newton's Telecom Dictionary, 16th ed. Definitions of "HTTP" and "firewall", February 2000. Newly cited and attached.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-23, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng et al, US Patent #6,240,456 (Teng hereinafter), in view of Motoyama, US Patent #5,887,216 (Motoyama hereinafter) and Mui et al. US Patent #6,362,870 (Mui hereinafter).

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As per claims 14, 25, and 28, Teng teaches substantially the invention as claimed including an apparatus administration system, an administrated apparatus, and an administering apparatus, Teng's teachings comprising:

an administrated apparatus connected to the Internet (Fig. 2 printer 50);

an administering apparatus connected to the Internet (Fig. 2 Network client 20); and

a relaying server connected to the Internet for enabling the administrated apparatus and the administering apparatus to indirectly communicate with each other via the Internet (Fig. 20 Network server 49. col. 6, line 63-col. 7, line 9. Network server 49 accepts HTTP post request submitted by network client 20. The system spooler 24 will then submit print job data to the printer 50.)

wherein the administrated apparatus comprises: a transmitting section which transmits trouble type information to the relaying server through the Internet, wherein the trouble type information is retrieved from the relaying server by the administering apparatus through the Internet (col. 8, lines 10-20, 30-33. Network server 49 receives request. Gather printer status or error information from the printer, and submit back to browser application.), receiving restoration work information based on the trouble type information from the relaying server the Internet, and a control section which controls the administrated apparatus to conduct an automatic restoration process in accordance with the restoration work information (col. 8, lines 39-43. Issue commands for use in controlling the operation to the printer 50, e.g. page setup, restart, cancel print job.);

wherein the restoration work information is provided to the relaying server by the administering apparatus the Internet (col. 8, lines 38-43. Network client 20 issues system administration commands to network server 49 for controlling operation of printer 50.); and

wherein the relaying server comprises a memory which stores the trouble type information transmitted from the administrated apparatus (col. 8, lines 16-26. Spooler 74 gathers information from

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printer. Server scripting component 72 receives information from the system spooler 74. Information is stored at the network server for processing and transmission.).

Teng teaches of an administrated apparatus, an administrating apparatus, and a relaying server connected to the Internet, wherein any means of establishing a communications link between the computers may be used (col. 5, lines 19-22). Teng also teaches that the administrated apparatus receives restoration work information from the relaying server. However, Teng does not specifically teach the network configuration wherein the administrated apparatus is located in a first local network and connected to the Internet through a first firewall server of the first local network; the administrating apparatus located in a second local network and connected to the Internet through a second firewall server of the second local network; a relaying server located outside the first and second networks. Teng also does not specifically teach the administrated apparatus accessing the relaying server to obtain the restoration work information.

Motoyama teaches of an administrated apparatus, i.e. monitored device, located in a first local network and connected to the Internet through a first firewall server of the first local network (col. 4, lines 26-30. Monitored device, e.g. printer, connected to network 16. col. 5, lines 1-2. Firewall 14 connected between Internet 10 and network 16); an administrating apparatus, i.e. monitoring device, located in a second local network and connected to the Internet through a second firewall server of the second local network (col. 5, lines 2-6. Firewall 50 connected between Internet 10 and network 52. Workstation connected to network 52.); and relaying computer located outside the first and second networks (col. 4, lines 44-45. Internet includes a plurality of interconnected computers and routers.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Teng and Motoyama to provide the specific network configuration of Motoyama because Teng states that any means of establishing a communications links may be used. The

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above teachings of Motoyama would also enhance Teng's system by allowing secure communication and authorized access between devices located in different networks (col. 4, lines 61-65).

Teng and Motoyama still do not specifically teach of the administrated apparatus accessing the relaying server to obtain the restoration work information.

Mui teaches of a printer obtaining (pull) commands from a source (col. 9, lines 17-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Teng, Motoyama, and Mui for the printer to access and obtain commands from a source. The teachings of Mui would improve the system of Teng and Motoyama by allowing the printer to retrieve commands for further processing when the printer is ready, and reducing the burden of the network server to route data in a system of a plurality of printers.

As per claim 15, Teng does specifically teach the image forming apparatus administration system of claim 14, further comprising a database which stores a plurality of items of trouble type information and a plurality of items of restoration work information in correspondence with each other.

Motoyama teaches of a database storing various information of the monitored device, wherein the stored information is compared with received information to determine parameters to change on the monitored device (col. 10, line 2-16, 49-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Teng, Motoyama, and Mui for the system to comprise a database storing various information of the monitored device, wherein the stored information is compared with received information to determine appropriate parameters to change on the monitored device. The teachings of Motoyama would further improve the system of Teng, Motoyama, and Mui by allowing identification of

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the error information and allowing appropriate changes or commands issued in respect to the error information.

As per claim 16, Teng does not specifically teach the image forming apparatus administration system of claim 15, wherein each of the items of trouble type information is classified as corresponding to one of a restorable trouble and non-restorable trouble, and the stored items of restoration work information corresponding to the items of trouble type information classified as being restorable.

Motoyama teaches of a monitored device transmitting results of a diagnostic of a problem, and determining if the problem can be corrected by changing parameters (col. 17, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Teng, Motoyama and Mui to determine if received problem are correctable, i.e. restorable. The teachings of Motoyama would further improve the system of Teng, and Motoyama, and Mui by attempting to correct errors when the errors are classified as restorable before taking additional actions, and preventing an attempt to correct a non-restorable error, which would unnecessary use resources and time.

As per claim 17, Teng, Motoyama, and Mui taught the image forming apparatus administration system of claim 15 which includes obtaining restoration information by the printer. Teng teaches wherein the relaying server provides the corresponding restoration information for retrieval by the image forming apparatus based on the trouble type information received from the image forming apparatus (col. 8, lines 29-43. Transmit commands back to the printer to control the operation of the printer, e.g. page setup, canceling, restarting.).

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As per claim 18, Teng does not specifically teach the apparatus administration system of claim 16, wherein the relaying server judges whether or not the administrated apparatus is able to conduct the automatic restoration process by itself by accessing the database.

Motoyama teaches of determining whether the monitored device may perform self-diagnostic capability to analyze and correct a problem (col. 17, lines 12-14, 26-30.).

Motoyama does not explicitly teach of a database. However, a database would be required to obtain parameters for analysis and correction of problems. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Teng, Motoyama, and Mui to determine whether or not the administrated apparatus is able to conduct automatic restoration by itself by accessing a database. The teachings of Motoyama would further improve the efficiency of the system of Teng, Motoyama, and Mui by reducing the time required to correct the problem because the printer would not have to wait for correction parameters.

As per claims 19, 27, and 29, Teng, Motoyama, and Mui taught the image forming apparatus administration system of claim 14. Teng further teaches wherein when the automatic restoration process is carried out, the transmitting section of the image forming apparatus transmits result information specifying a result of the automatic restoration process to the relaying server (col. 8, lines 17-20. Printer transmits real time printer status or error information.).

As per claims 23 and 26, Teng does not specifically teach the apparatus administration system of claim 14, wherein the image forming apparatus further comprises: a detecting section which detects when a trouble occurs in the image forming apparatus; and a judging section which determines a kind of the trouble; and wherein the image forming apparatus transmits the trouble type information in accordance with the determined kind of the trouble.

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Motoyama teaches of a monitored device detecting when a trouble occurs in the monitored device (col. 8, line 61-col. 9, line 4), determining the kind of trouble (col. 9, lines 2-10), and transmitting the trouble type information in accordance with the determined kind of trouble (col. 9, line 2-10, 19-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Teng, Motoyama, and Mui for the monitored device, i.e. printer, to detect when a trouble occurs in the monitored device, determining the kind of trouble, and transmitting the trouble type information in accordance with the determined kind of trouble. The above teachings of Motoyama would further improve the system of Teng, Motoyama, and Mui by determining sufficient information used to analyze and correct the problem, and providing a type of connection based on the type of problem, i.e. connection-mode for high priority event (col. 8, lines 59-64).

As per claim 20, Teng, Motoyama, and Mui taught the apparatus administration system of claim 19. Teng further teaches wherein the administrating apparatus accesses the relaying server to obtain the result information (col. 7, lines 10-15; Col. 8, lines 10-20. Poll printer for real time printer status or error information.).

As per claim 21, Teng teaches the image forming apparatus administration system of claim 15, wherein the relaying server comprises the database (col. 8, lines 15-17, 22-26. Gather requested information and generate HTML page. Database would be needed to formulate requests and process requests. col. 8, lines 55-57. Commands issued to system spooler 74.).

As per claim 22, Teng teaches the apparatus administration system of claim 15, wherein the administrating apparatus comprises the database (col. 4, lines 9-13, 29-30. Network client comprises a hard disk. col. 6, lines 22-28. Formulate request for network server.).

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Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng, Motoyama, and Mui, in view of Wiklof et al, US Patent #6,618,162 (Wiklof hereinafter).

As per claims 24 and 30, Teng does not specifically the apparatus administration system of claim 14, wherein the restoration work information is periodically updated.

Wiklof teaches of continually updating restoration work information, i.e. printer's software, wherein the software may include bug fixes (col. 5, lines 22-25; Col. 6, lines 26-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Teng, Motoyama, Mui, and Wiklof to continually update restoration work information. Wiklof's teachings would enhance the system of Teng, Motoyama, and Mui by providing resources for the printer to correct new problems, and allowing for the upgrading of the printer's performance.

(10) Response to Argument

In the Appeal Brief, there appears to be only one argument of a claim element that is not taught, in which the argument is not based on the combination of the prior arts. As for the one argument, Appellant argued that:

(1) Elements 12A-12I in Motoyama are merely parts of the Internet and that the elements cannot be a relay server. It is respectfully submitted that the Examiner's interpretation of Motoyama whereby any of the elements 12A-12I is a relaying server as recited in claim 14 goes beyond and is clearly unsupported by the actual disclosure of Motoyama.

In response, Examiner respectfully disagrees that an element of elements 12A-12I cannot be considered as a relay server. Evidence 6 (IEEE 100's definition of "server") defines a server as "a device

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or computer system that is dedicated to providing specific facilities to other devices attached to the network". According to Motoyama, elements 12A-12I comprise of interconnected computers and routers (col. 4, lines 43-45), and elements 12C, 12D, and 12E are explicitly disposed between a communication path of workstation in LAN 52 and a printer in LAN 16 (fig. 1). Motoyama teaches of workstation in LAN 52 communicating with a printer in LAN 16 (col. 5, lines 31-38; col. 9, line 66-col. 10, line 5). As routers and computers in the path, elements 12C, 12D, and 12E provide a specific operation of forwarding data between devices in LAN 52 and LAN 16. The elements 12C, 12D, and 12E meet the definition of a server as a device dedicated to providing a specific operation of routing data to other devices.

The Internet is not limited only to the elements 12A-12I as taught by Motoyama. Although it is not explicitly shown, there are other elements, such as user computers, servers, other LANs such as the United States Patent & Trademark Office (USPTO) Intranet, connected to the Internet and thus indirectly or directly connected to elements 12A-12I. As routers, the elements 12A-12I would provide routing for the other elements if a communication path traverses elements 12A-12I. Therefore, the elements meet the definition of a server as a device that is dedicated to provide specific facilities to other devices.

Hypothetically, if an USPTO employee using a first computer was connected to element 12I, the furthest left element, and the USPTO employee needed to communicate with a second computer connected to element 12A, then at least elements 12I and 12A as routers would provide specific facilities of routing data between communicate between the first and second computer. Forwarding and routing all meet the definition of relaying, which is defined as "passing along". Therefore, elements 12A-12I forwarding/routing data can be considered as a relay server.

As to rest of the Appeal Brief, Appellant does not argue that the prior arts, Teng et al., Motoyama, and Mui, in combination do not teach any other claim elements, and therefore it appears that Appellant concedes that all other claim elements are taught by the prior arts. Appellant argues primarily

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that it would not have been obvious to combine the prior arts to achieve the claimed invention because the prior arts are not properly combinable and would not result in the structure as suggested by the Examiner.

Regarding the combination of the references, Appellant argued that:

(2) Examiner contends that by providing firewalls as disclosed by Motoyama in the system of Teng et al, the security of the system of Teng et al would be enhanced. It is respectfully submitted that a firewall would not logically be added to the system of Teng et al. Teng et al. uses Hypertext Transfer Protocol (HTTP) to communicate between network client 20 and network server 49. By positioning a firewall, the firewall would intercept HTTP formatted messages transmitted between the network client 20 and network server 49. Examiner's proposed modification of Teng et al. would hamper or prevent successful operation of the system of Teng et al.

In response, firstly, it is noted that a firewall generally operates by examining network data to allow passage of certain of types of network data while denying other types of traffic, such as unknown data (Evidence 7, Newton's Telecom Dictionary's definition of "firewall"). The types of data that are allowed and denied by the firewall are configurable. Secondly, the World Wide Web (WWW) uses the HTTP protocol for communications (Evidence 7, Newton's Telecom Dictionary's definition of "HTTP"). Motoyama teaches of using WWW communications on the Internet (col. 4, lines 36-42) as a communications method between a monitoring device and a monitored device (col. 5, lines 31-40; col. 9, line 66-col. 10, line 2). Motoyama teaches that workstations 56, 62, 68, 74, and 42 provide monitoring (col. 5, lines 31-35) and that devices 24, 28, and 32 are the monitored devices (col. 4, lines 27-31). Even though the monitoring device, such as workstation 56, is behind firewall 50, and a monitored device, such as printer 32, is behind firewall 14, monitoring device and monitored device are still able to communicate between two firewalls, and the two firewalls do not intercept WWW communications that use HTTP protocol's formatted messages. Therefore, it is quite possible to have HTTP communication with a first and second device with a firewall between the first and second devices.

Furthermore, most computers connected to the Internet are equipped with firewalls to block unwanted network data and improve network security. These same computers are perfectly able to access web pages and receive the web pages for viewing on web browsers at the computers because the firewalls are configured to allow known HTTP communication. The firewalls do not prevent receiving web pages that are transmitted as HTTP formatted messages. As suggested by evidence 7, Newton's Telecom Dictionary's definition of "firewall", the most common use of a firewall is on a local area network to control access. The USPTO implements a firewall to deny unauthorized access to the USPTO Intranet and to the USPTO employee computers. Yet, the firewall is configured such that USPTO employees on the USPTO Intranet are perfectly able access the Internet through the firewall and obtain web pages via the HTTP protocol.

(3) Even if it were obvious to provide firewalls between the local networks of Teng et al. and the Internet, the structure recited in claim 14 still would not be achieved or rendered obvious. Since printer 50 is connected to the system spooler in the same manner that the server script component is connected to the system spooler 74, the printer 50 is arranged within the local network of the network 49. The network server 49 of Teng et al would be provided in one of the local networks and clearly could not be considered as a relaying server located outside the first and second local networks and connected to the Internet.

In response, Examiner respectfully disagrees that the combination of Teng et al. and Motoyama would not result achieve the same structure as claim 14 but would achieve the structure suggested by Appellant. The test for obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In addition, obviousness to combine or modify teachings of the prior art is not based on the mere fact that whether or not the references can be combined but based on whether there is some teachings.

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suggestion, or motivation (a suggestion of the desirably) to combine or modify the teachings. MPEP 2143.01.

Teng et al. teaches that the network server 49 may be implemented as personal computer or standalone (col. 6, lines 18-21). In other words, the network server 49 is able to be separate from the printer 50. As separate devices, network server 49 and printer 50 are not limited to the same network, and there is no requirement that network server 49 and printer 50 have to be on the same network.

Motoyama explicitly taught that “an additional security measure used in connecting a computer network to the Internet is a protective device known as a firewall. This device allows only authorized computers to access a network or other computer via the Internet.” col. 4, lines 61-65). One of ordinary skill in the art would position a firewall between the separate network server 49 and printer 50 to protect printer 50 from unauthorized computers as suggested by Motoyama. Although Motoyama does not explicitly provide a reason for protection, one of ordinary skill in the art would recognize a variety reasons for protection such as preventing tampering of the printer.

One of ordinary skill in the art would not position the network server behind the firewall as suggested by Appellant because the firewall would then greatly limit the number of users that can use the printer since the firewall would deny data from all users that the firewall does not recognize. Computer users with permission to use the printer via the network server behind the firewall would still have to be authorized and the firewall reconfigured to allow access through the firewall. For example, public users cannot randomly access the USPTO Intranet via the Internet because a firewall does not recognize data from the public users. In teleworking or hotelling, USPTO employees can remotely connect to the USPTO Intranet from the Internet because each USPTO employee is authorized for such connections.

Examiner's assertion is further supported by the evidence of Lodwick, US Publication no. 2005/0280864, which was previously cited in the Office action dated 05/01/2006. Lodwick teaches of a system for forwarding print jobs, wherein in the background, Lodwick teaches: “

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By carefully restricting the types of network traffic and the destinations where that traffic can flow, the firewall can provide effective protection" (Paragraph 0012);

"Another aspect of the firewall is that it is almost always administratively controlled by a central authority for the organization that owns the local area network... Normal users generally have to make special requests that are approved at the upper levels of management to get configuration changes in the firewall" (Paragraph 0015);

"It is desirable by many users to be able to print from a machine on one local area network to a printer located on a different local area network with the data being transferred over a global network (e.g., Internet) outside of the firewall of both local networks" (Paragraph 0016); and

"The current state of the art does not have solutions for this problem. However, almost all of these solutions require the intervention of the firewall administrator" (Paragraph 0017).

Lodwick overcomes this problem by positioning a server on a global network while the client device and printer remain behind firewalls (fig. 1). As previously stated by the Examiner and further supported by Lodwick, Appellant's suggestion of positioning the network server behind the firewall limits users since users wanting to use the printer must receive approval and the firewall reconfigured for each new user. Appellant's suggested combination is clearly inefficient and would not be desirable. Having a network server outside the Internet as suggested by the Examiner as a server for communicating between users and the printer would be more efficient since only communications from the network server has to be approved.

(4) It is respectfully submitted that an element that merely "routes data between the first and [second] local networks," which the Examiner asserts is disclosed by Motoyama clearly does not comprise a memory which stores trouble type information transmitted from the administrated apparatus, and clearly is not accessed by an administrated apparatus.

In response, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the Office action

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dated 04/18/2007, pages 6-7, paragraph 16, it was shown that Teng taught of a network server, referred to as the claimed relay server, receiving information transmitted from the printer, referred to as the claimed administered apparatus, wherein the information comprises error information, referred as the claimed trouble type information (col. 8, lines 16-26). Teng does not explicitly use the term "stores" but it is inherent that the information is stored at the server when the information is received and while it is processed at the server. Teng also taught of the printer receiving commands, referred as the claimed restoration work information, for controlling the printer, including restarting or cancelling a print job (col. 8, lines 39-44, 55-57). Teng did not specifically teach of the printer receiving the commands by the printer accessing the network server. Therefore, Teng was combined with Mui, wherein Mui taught that a printer may access commands from a source (col. 9, lines 17-20).

(5) Regarding claim 25, as explained with respect to claim 14, it is respectfully submitted that the combination of Teng et al and Motoyama suggested by the Examiner is not reasonable, and that it would not have been obvious to provide firewalls in the system of Teng et al. It is respectfully submitted that even if Teng et al. were modified in view of Motoyama to provide firewalls between local networks and the Internet, the combination would not achieve or render obvious the relaying server recited in claim 25.

In response, Appellant has not introduced any new reasons for the allowability of claims 14 or 25. Therefore, Examiner incorporates the above responses to Appellant's arguments made for the rejection of claim 14, and claim 25 is not allowable since all requirements of claim 14 have been met.

(6) Regarding claim 28, as explained with respect to claim 14, it is respectfully submitted that the combination of Teng et al and Motoyama suggested by the Examiner is not reasonable, and that it would not have been obvious to provide firewalls in the system of Teng et al. It is respectfully submitted that

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even if Teng et al. were modified in view of Motoyama to provide firewalls between local networks and the Internet, the combination would not achieve or render obvious the relaying server recited in claim 28.

In response, Appellant has not introduced any new reasons for the allowability of claims 14 or 28. Therefore, Examiner incorporates the above responses to Appellant's arguments made for the rejection of claim 14, and claim 28 is not allowable since all requirements of claim 14 have been met.

(7) Regarding claim 24, it is respectfully submitted that Wiklof et al also does not disclose, teach or suggest the features of the present invention as recited in claim 14. It is respectfully submitted that claim 24 depending from claim 14 patentably distinguishes over the combination of Teng et al, Motoyama, Mui et al, and Wiklof et al under 35 USC 103.

In response, Appellant has not introduced any new reasons for the allowability of claims 14 or 24. Therefore, Examiner incorporates the above responses to Appellant's arguments made for the rejection of claim 14, and claim 24 is not allowable since all requirements of claim 14 have been met.

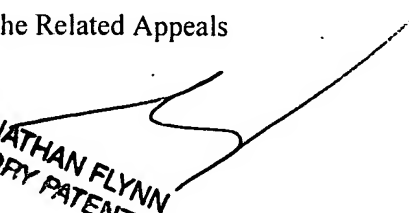
(8) Regarding claim 30, it is respectfully submitted that Wiklof et al also does not disclose, teach or suggest the features of the present invention are recited in claim 14. It is respectfully submitted that claim 30 depending from claim 14 patentably distinguishes over the combination of Teng et al, Motoyama, Mui et al, and Wiklof et al under 35 USC 103.

In response, Appellant has not introduced any new reasons for the allowability of claims 28 or 30. Therefore, Examiner incorporates the above responses to Appellant's arguments made for the rejection of claim 28, and claim 30 is not allowable since all requirements of claim 28 have been met.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


NATHAN FLYNN
SUPERVISORY PATENT EXAMINER

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Joshua Joo JJ

Conferees:

/Lynne H Browne/
Lynne H Browne
Appeal Practice Specialist, TQAS
Technology Center 2100